

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-02/05-03/09

Date: 12 March 2012

TRIAL CHAMBER IV

Before: Judge Joyce Aluoch, Presiding Judge
Judge Fatoumata Dembele Diarra
Judge Silvia Fernandez de Gurmendi

SITUATION IN DARFUR, SUDAN

IN THE CASE OF *THE PROSECUTOR*

v.

***ABDALLAH BANDA ABAKAER NOURAIN
&
SALEH MOHAMMED JERBO JAMUS***

Public

**Public Redacted Version of "Request of the Legal Representatives of Victim
a/6000/11 pursuant to Regulation 35" (ICC-02/05-03/09-305-Conf-Exp)**

Source: Victim represented by Sir Geoffrey Nice QC and Rodney Dixon

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

The Office of the Prosecutor
Luis Moreno-Ocampo, Prosecutor

Counsel for the Defence

Legal Representatives of Victims

Legal Representatives of the Applicant
Sir Geoffrey Nice QC
Rodney Dixon

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

**The Office of Public Counsel for the
Defence**

States Representatives

Amicus Curiae

REGISTRY

Registrar
Silvana Arbia, Registrar

Defence Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**
Fiona McKay

Other

A. Request pursuant to Regulation 35

1. The Legal Representatives of Victim a/6000/11 file this application respectfully to request the Trial Chamber to accept and take into consideration as part of Victim a/6000/11's application the identification document of the victim's husband which was submitted to the Victims Participation and Reparations Section (VPRS) yesterday, 5 March 2012. This application is filed pursuant to Regulation 35 of the Regulations of the Court.¹
2. This request is filed in light of the Trial Chamber's decision of 25 January 2012 which was communicated to the Legal Representatives by way of email and has not yet been made public.² By this decision the Trial Chamber allowed an extension until 29 February 2012 to submit supplementary information requested by the VPRS to support Victim a/6000/11's application.
3. In accordance with this decision, the Legal Representatives of Victim a/6000/11 on 29 February 2012 submitted to the VPRS documentation confirming Victim a/6000/11's marriage to her husband. This was provided by way of a certificate [REDACTED], which confirmed that the Victim and her husband are married. This supplemental documentation was provided to the VPRS through email on 29 February 2012 (email attached hereto as Public Redacted Version of Annex 1).
4. In this email of 29 February 2012 the Legal Representatives outlined the efforts made to acquire the other supplementary document requested in support of Victim a/6000/11's application, namely an identification document of the Victim's husband. The Legal Representatives explained that difficulties in obtaining an identification document arose as the Victim's husband was not in possession of an identification document which meant that one had to be requested and issued by the authorities. The Victim and her husband are located in a remote area of Darfur which hampers communication and from where it takes time to obtain and receive official

¹ Regulations of the Court, reg. 35.

² Email from Maria Mathiaud of 25 January 2012 to the Legal Representatives of Victim a/6000/11 which granted the 'Request for extension of time to submit supplemental information to victim's application,' ICC-02/05-03/09-283, 24 January 2012.

documentation. As explained in the email, every effort was being made by the Legal Representatives to obtain an identification document by 29 February 2012 and it was hoped that it would be ready and received by 29 February 2012.

5. The document was not received by 29 February 2012, but was sent to the Legal Representatives a few days thereafter on 5 March 2012. The Legal Representatives immediately submitted the identification document to the VPRS by way of email on 5 March 2012 (email attached hereto as Public Redacted Version of Annex 2).
6. The Legal Representatives submit that there is good cause shown to accept this identification document given that it was submitted only 5 days after the deadline with all efforts being made to meet the deadline and given the difficulties encountered in obtaining the document as explained above. All supplemental materials required for Victim a/6000/11's application to participate have now been submitted to the VPRS.
7. This request pursuant to Regulation 35 is filed at this time because the Legal Representatives had hoped to receive the identification document by 29 February 2012 as explained in the email to the VPRS. When it was not obtained by 29 February 2012, the earliest opportunity that the present request could be filed was when the document was received and submitted to the VPRS. The Legal Representatives have thus immediately filed this request to accept the identification document after the 29 February 2012 deadline. The Legal Representatives submit that extending the deadline by only 5 days to accept this document will not prejudice any of the parties to the proceedings, and will not delay the proceedings.
8. The Legal Representatives of Victim a/600/11 therefore respectfully request that the identification document is accepted and transmitted to the Trial Chamber to be considered as part of the Victim's application to participate in the proceedings.



Sir Geoffrey Nice QC
Rodney Dixon
Legal Representatives of the Victim

Dated 12th March 2012
London, United Kingdom